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LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK 600 SOUTH AVENUE WEST WESTFIELD, NJ 07090				SALTARELLI, DOMINIC D
ART UNIT		PAPER NUMBER		
		2611		

DATE MAILED: 05/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/521,176	OZAWA, TOSHIRO
Examiner	Art Unit	
Dominic D Saltarelli	2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 01 April 2005.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1-3,5-13,15-23,25-32 and 34-49 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-3,5-13,15-23,25-32 and 34-49 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_

5)  Notice of Informal Patent Application (PTO-152)

6)  Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 41 objected to because of the following informalities: Line 2 reads "claim 37" and should be changed to --claim 39--, for the same reason claim 36 was previously amended. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3, 11, 13, 21, 23, 31, 32, 37, and 38, are rejected under 35 U.S.C. 103(a) as being unpatentable over Dunn et al. (5,721,829, of record) [Dunn] in view of Abecassis (US 2001/0041053, of record) and Sartain et al. (5,914,712, of record) [Sartain].

Regarding claims 1, 11, 21, 31, and 37, Dunn discloses a program distribution system and method (fig. 1, col. 2, lines 40-44) comprising:

A receiver (fig. 1, STB 26); and

A transmitter (fig. 1, headend 20) including a distribution controller (fig. 1, media server 40);

Said receiver being operable to accept a user request for a desired program (col. 5, lines 24-31);

Said transmitter including a distributable program storing unit (fig. 1, program storage 42) operable to store a plurality of distributable programs (col. 3, lines 46-51), said distribution controller (40) being operable to receive the distribution request (STB message, col. 5, lines 29-34), read out the requested program from said distributable program storing unit and distribute said program from a distributor to said receiver (col. 5, lines 24-41).

Dunn fails to disclose the user request is in a free style text format and converting the user request into a distribution request e-mail message that includes the user request, and that is addressed to said distribution controller of said transmitter, which is sent to the transmitter, wherein said transmitter receives the request e-mail message and determines whether the requested program is one of the stored plurality of programs and sending the program when the requested program is one of the stored plurality of distributable programs.

In an analogous art, Abecassis teaches a video on demand service (paragraph 179) wherein users access programs using requests that comprise keyword searching and retrieval (users type in search terms in a free form style, paragraph 315), which involves comparing a word within a distribution request with stored descriptions of programs and reading out the selected program if one of the stored the descriptions corresponds to said word. A keyword search allows users to quickly find a desired distributable program.

It would have been obvious at the time to a person of ordinary skill in the art to modify the system, method, and transmitter of Dunn to include free style

text user requests, where the system determines whether the requested program is one of the stored plurality of programs based on the users request, as taught by Abecassis. The reason for doing so is to allow users to quickly find a desired program without linearly incrementing their way through a list.

Dunn and Abecassis fail to disclose converting the user request into a distribution request e-mail message that includes the user request and is addressed to said distribution controller of said transmitter.

In an analogous art, Sartain teaches a video on demand system (col. 2, lines 38-48) wherein distribution requests are made via e-mail (col. 10, lines 15-20) to the distribution controller of the system (the accounting service is provided through an email address, col. 10, lines 15-20, wherein the destination of said request [thus the address of the email request] is to the component that receives requests [gateway 610], shown in fig. 5, col. 9 line 42 – col. 10 line 7), for the advantage of utilizing the internet for distribution requests.

It would have been obvious at the time to a person of ordinary skill in the art to modify the system, method, and transmitter disclosed by Dunn and Abecassis to include converting a distribution request into an e-mail addressed to the distribution controller of the transmitter, as disclosed by Sartain, for the advantage of utilizing the internet for distribution requests, a commonly utilized backchannel for television distribution systems.

Regarding claims 3, 13, 23, 32, and 38, Dunn, Abecassis, and Sartain disclose the system, method, and transmitter of claims 1, 11, 21, and 37, but fail to disclose said receiver is further operable to include a predetermined subject filed in the distribution request e-mail message which indicates that the distribution request e-mail message includes the user request.

Examiner takes official notice that it is well known in the art to include in the subject line of e-mail messages a description of the body, contents, and/or purpose of the email message. This allows recipients of the email to readily identify the e-mail message.

It would have been obvious at the time to a person of ordinary skill in the art to modify the system, method, and transmitter of Dunn, Abecassis, and Sartain to include a predetermined subject filed in the distribution request e-mail message which indicates that the distribution request e-mail message includes the user request, for the benefit of allowing the recipient of the e-mail message to readily identify the e-mail message as a user request.

4. Claims 2, 12, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dunn, Abecassis and Sartain as applied to claims 1, 11, and 21 above, and further in view of Yurt et al. (5,550,863, of record) [Yurt].

Regarding claims 2, 12, and 22, Dunn, Abecassis, and Sartain disclose the system, method, and transmitter of claims 1, 11, and 21, but fail to disclose

the distributable program storing unit stores an associated title for each of the said plurality of distributable programs which is used for selecting a program.

In an analogous art, Yurt teaches a video on demand service (col. 2, lines 48-59) wherein item names are used to identify items (col. 10, lines 52-56), as item names are easier to remember, making user access to these items more intuitive.

It would have been obvious at the time to a person of ordinary skill in the art to modify the system, method, and transmitter disclosed by Dunn, Abecassis, and Sartain to include the program's title, as taught by Yurt, wherein words in the user's request would then be compared to the titles associated with stored programs, for the advantage of making the search for a distributable program more intuitive and user friendly.

5. Claims 5, 7, 15, 17, 25, and 27 rejected under 35 U.S.C. 103(a) as being unpatentable over Dunn, Abecassis, and Sartain as applied to claims 1, 11, and 21 above, and further in view of Yurt and Venkatraman et al. (6,477,647, of record) [Venkatraman].

Regarding claims 5, 15, and 25, Dunn, Abecassis, and Sartain disclose the system, method, and transmitter of claims 1, 11, and 21, but fail to disclose said distribution controller is further operable to transmit an answer e-mail message to said receiver in response to the distribution request e-mail message,

the answer e-mail message including a notice of correspondence when the user request includes a title associated with one of the stored plurality of programs.

In an analogous art, Yurt teaches a video on demand service (col. 2, lines 48-59) wherein item names are used to identify items (col. 10, lines 52-56), as item names are easier to remember, making user access to these items more intuitive.

It would have been obvious at the time to a person of ordinary skill in the art to modify the system, method, and transmitter disclosed by Dunn, Abecassis, and Sartain to include the program's title, as taught by Yurt, the program title being the in the user request, for the advantage of making the search and request for a distributable program more intuitive and user friendly.

In an analogous art, Venkatraman teaches the transmission of confirmation e-mails to users, confirming the selections made by users when interacting with a remote computer system (col. 6, lines 8-57), providing users with the opportunity to confirm selections made to reduce the chance of unwanted selections and providing users with the chance to revoke a selection.

It would have been obvious at the time to a person of ordinary skill in the art to modify the system, method, and transmitter disclosed by Dunn, Abecassis, Sartain, and Yurt to include confirmation e-mails in response to user selections, as taught by Venkatraman, (when the title is one of the stored plurality of titles, as the correspondence is a selection confirmation) for the benefit of reducing the

chance of unwanted program title selections and providing users with the chance to revoke a program title selection.

Regarding claims 7, 17, and 27, Yurt additionally discloses user confirmation of a purchase (fig. 3, step 3100, col. 14, lines 6-12) in response to a system-generated confirmation prompt (col. 13 line 55 – col. 14 line 12) to fully insure that a user selection is correct (col. 14, lines 2-5).

It would have been obvious at the time to a person of ordinary skill in the art to further modify the system, method, and transmitter disclosed by Dunn, Abecassis, Sartain, Yurt, and Venkatraman to include transmitting a user confirmation of a user selection in response to a system-generated confirmation prompt, as taught by Yurt, wherein the confirmation would take the form of an e-mail response, as this is the established means by which the transmitter and receiver communicate, for the benefit of fully insuring that a user requested program title has been correctly selected.

6. Claims 6, 8, 16, 18, 26, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dunn, Abecassis, Sartain, and Yurt as applied to claims 2, 12, and 22 above, and further in view of Venkatraman.

Regarding claims 6, 16, and 26, Dunn, Abecassis, Sartain, and Yurt disclose the system, method, and transmitter of claims 2, 12, and 22, but fail to disclose said distribution controller is further operable to transmit an answer e-

mail message to said receiver in response to the distribution request e-mail message, the answer e-mail message including a notice of correspondence when the user request includes a title associated with one of the stored plurality of programs.

In an analogous art, Venkatraman teaches the transmission of confirmation e-mails to users, confirming the selections made by users when interacting with a remote computer system (col. 6, lines 8-57), providing users with the opportunity to confirm selections made to reduce the chance of unwanted selections and providing users with the chance to revoke a selection.

It would have been obvious at the time to a person of ordinary skill in the art to modify the system, method, and transmitter disclosed by Dunn, Abecassis, Sartain, and Yurt to include confirmation e-mails in response to user selections, as taught by Venkatraman, (when the title is one of the stored plurality of titles, as the correspondence is a selection confirmation) for the benefit of reducing the chance of unwanted program title selections and providing users with the chance to revoke a program title selection.

Regarding claims 8, 18, and 28, Yurt additionally discloses user confirmation of a purchase (fig. 3, step 3100, col. 14, lines 6-12) in response to a system-generated confirmation prompt (col. 13 line 55 – col. 14 line 12) to fully insure that a user selection is correct (col. 14, lines 2-5).

It would have been obvious at the time to a person of ordinary skill in the art to further modify the system, method, and transmitter disclosed by Dunn, Abecassis, Sartain, Yurt, and Venkatraman to include transmitting a user confirmation of a user selection in response to a system-generated confirmation prompt, as taught by Yurt, wherein the confirmation would take that form of an e-mail response, as this is the established means by which the transmitter and receiver communicate, for the benefit of fully insuring that a user requested program title has been correctly selected.

7. Claims 9, 10, 19, 20, 29, 30, 42, 43, 44, 45, 46, and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dunn, Abecassis, Sartain, Yurt, and Venkatraman as applied to claims, 5, 6, 15, 16, 25, and 26 above, and further in view of Lawler et al. (5,805,763, of record) [Lawler].

Regarding claims 9, 10, 19, 20, 29, and 30, Dunn, Abecassis, Sartain, Yurt, and Venkatraman disclose the systems, methods, and transmitters of claims 5, 6, 15, 16, 25, and 26, but fail to disclose a recorder connected to said receiver, wherein said distribution controller is further operable to include supplemental information in the answer e-mail message, the supplemental information including a control command for causing said recorder to record the requested program.

In an analogous art, Lawler teaches a video on demand service (col. 4, lines 23-29) wherein the service automatically instructs a recorder (fig. 2, VCR

23, col. 5, lines 43-45) to record a selected program (col. 11, lines 7-13) by transmitting a control command (record tag, col. 12, lines 58-61) to a receiver (fig. 2, interactive station control 18, col. 13 lines, 7-18) to cause said recorder connected said receiver [18] (col. 5, lines 38-45) to record said selected program (col. 13, lines 20-25) by attaching said control command to a notice of correspondence (col. 13, lines 15-18), allowing a user to quickly and easily record a selected program for later use (col. 13, lines 38-43).

It would have been obvious at the time to a person of ordinary skill in the art to modify the systems, methods, and transmitters disclosed by Dunn, Abecassis, Sartain, Yurt, and Venkatraman to include transmitting to said receiver supplemental information including a control command to cause a recorder connected to said receiver to record said selected program by attaching said control command to a notice of correspondence [the answer e-mail message], as taught by Lawler, for the advantage of allowing a user to quickly and easily record a selected video on demand program for later use, as the user is relieved from having to manually set the recording parameters.

Regarding claims 42, 43, 44, 45, 46, and 47 Yurt additionally discloses supplemental information included in a system-generated confirmation of a user selection includes accounting information for the program (the amount of money the user must pay to purchase the program, col. 13 line 55 – col. 14 line 12), further allowing a user to determine if the price of the program is acceptable.

It would have been obvious at the time to a person of ordinary skill in the art to further modify the systems, methods, and transmitters disclosed by Dunn, Abecassis, Sartain, Yurt, and Venkatraman to include in the supplemental information the time and price of the program, and taught by Yurt, for the benefit of allowing a user to determine if the price of the program is acceptable to the user.

8. Claims 34 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dunn, Abecassis, and Sartain as applied to claims 31 and 37 above, and further in view of Venkatraman.

Regarding claims 34 and 39, Dunn, Abecassis, and Sartain disclose the receiver and method of claims 31 and 37, but fail to disclose the controller in the receiver (Dunn, fig. 2, processor 62) is further operable to receive an answer e-mail message sent by the predetermined distribution unit (Dunn, fig. 1, headend 20) in response to the distribution request e-mail message, the answer e-mail message including a notice of correspondence when the user requested program is one of the stored plurality of programs.

In an analogous art, Venkatraman teaches the transmission of confirmation e-mails to users, confirming the selections made by users when interacting with a remote computer system (col. 6, lines 8-57), providing users with the opportunity to confirm selections made to reduce the chance of unwanted selections and providing users with the chance to revoke a selection.

It would have been obvious at the time to a person of ordinary skill in the art to modify the receiver and method disclosed by Dunn, Abecassis, and Sartain to include confirmation e-mails in response to user selections, as taught by Venkatraman, (when the program is one of the stored plurality of programs, as the correspondence is a selection confirmation) for the benefit of reduce the chance of unwanted program title selections and providing users with the chance to revoke a program title selection.

9. Claims 35 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dunn, Abecassis, Sartain, and Venkatraman as applied to claims 34 and 39 above, and further in view of Yurt.

Regarding claims 35 and 40, Dunn, Abecassis, Sartain, and Venkatraman disclose the receiver and method of claims 34 and 39, but fail to disclose said controller is further operable to transmit a confirmation e-mail message to the predetermined distribution unit when the answer e-mail message includes the notice of correspondence, the confirmation e-mail message indicating that the user of said receiver has agreed to purchase the requested program.

In an analogous art, Yurt teaches user confirmation of a purchase (fig. 3, step 3100, col. 14, lines 6-12) in response to a system-generated confirmation prompt (col. 13 line 55 – col. 14 line 12) to fully insure that a user selection is correct (col. 14, lines 2-5).

It would have been obvious at the time to a person of ordinary skill in the art to further modify the receiver and method disclosed by Dunn, Abecassis, Sartain, and Venkatraman to include transmitting a user confirmation of a user selection in response to a system-generated confirmation prompt, as taught by Yurt, wherein the confirmation would take that form of an e-mail response, as this is the established means by which the transmitter and receiver communicate, for the benefit of fully insuring that a user requested program title has been correctly selected.

10. Claims 36 and 41 rejected under 35 U.S.C. 103(a) as being unpatentable over Dunn, Abecassis, Sartain, and Venkatraman as applied to claims 34 and 39 above, and further in view of Lawler.

Regarding claims 36 and 41, Dunn, Abecassis, Sartain, and Venkatraman disclose the receiver and method of claims 34 and 39, but fail to disclose an answer e-mail message received by said controller includes supplemental information, the supplemental information including a control command for causing a recorder connected to said receiver to record the requested program.

In an analogous art, Lawler teaches a video on demand service (col. 4, lines 23-29) wherein the service automatically instructs a recorder (fig. 2, VCR 23, col. 5, lines 43-45) to record a selected program (col. 11, lines 7-13) by transmitting a control command (record tag, col. 12, lines 58-61) to a receiver (fig. 2, interactive station control 18, col. 13 lines, 7-18) to cause said recorder

connected said receiver [18] (col. 5, lines 38-45) to record said selected program (col. 13, lines 20-25) by attaching said control command to a notice of correspondence (col. 13, lines 15-18), allowing a user to quickly and easily record a selected program for later use (col. 13, lines 38-43).

It would have been obvious at the time to a person of ordinary skill in the art to modify the receiver and method disclosed by Dunn, Abecassis, Sartain, and Venkatraman to include transmitting to said receiver supplemental information including a control command to cause a recorder connected to said receiver to record said selected program by attaching said control command to a notice of correspondence [the answer e-mail message], as taught by Lawler, for the advantage of allowing a user to quickly and easily record a selected video on demand program for later use, as the user is relieved from having to manually set the recording parameters.

11. Claims 48 and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dunn, Abecassis, Sartain, Venkatraman, and Lawler as applied to claims 36 and 41 above, and further in view of Yurt.

Regarding claims 48 and 49, Dunn, Abecassis, Sartain, Venkatraman, and Lawler disclose the receiver and method of claims 36 and 41, but fail to disclose the supplemental information includes information consisting of the time of the program and the price of the program.

In an analogous art, Yurt teaches supplemental information included in a system-generated confirmation of a user selection includes accounting information for the program (col. 13 line 55 – col. 14 line 12), further allowing a user to determine if the price is acceptable.

It would have been obvious at the time to a person of ordinary skill in the art to further modify the receiver and method disclosed by Dunn, Abecassis, Sartain, and Lawler to include in the supplemental information accounting information for the program, and taught by Yurt, for the benefit of allowing a user to determine if the price is acceptable to the user.

### ***Response to Arguments***

12. Applicant's arguments filed February 22, 2005 have been fully considered but they are not persuasive.

On page 15 of applicant's remarks, applicant alleges that the limitation of addressing the e-mail message to the distribution controller is not met by the Sartain reference, stating that the message is addressed to an accounting service and not to the headend which distributes programs, and further stating that the accounting service is an indirect path because it requests a credit card number.

However, the Sartain reference simply teaches an accounting service within the Internet is provided via an email address. There is no clear support for

saying the accounting service is a separate entity from the distribution system. In fact, on the contrary, the part of the distribution system that receives customer orders also handles financial transactions (the external request gateway 610, shown in one example, would have customer account information stored to directly debit users for video selections, col. 9, lines 42-59, so that the user would not have to send credit card information directly). Thus the external request gateway provides the accounting service mentioned, and the emphasis of col. 10, lines 15-26 is not that an accounting service is being provided, but that the service is provided through the Internet, namely, via an email address.

Thus, the combination of Dunn, Abecassis, and Sartain does in fact meet the claimed limitation of addressing the e-mail address of the distribution controller, as Dunn teaches receiving requests at the distribution controller, and Sartain teaches receiving requests via email, wherein the email is addressed to the accounting service, shown to be provided by the same entity which receives requests, as described above regarding claims 1, 11, 21, 31, and 37.

On page 16 of applicant's remarks, applicant alleges that there is no motivation to combine the Dunn, Abecassis, and Sartain references.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to

do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the motivation to combine the teachings of the Abecassis reference with the Dunn reference is stated to be the benefit of quickly finding desired titles using a keyword search. The advantage of a dynamic search tool over simply scrolling through a list of titles is common knowledge generally available to one of ordinary skill in the art. Further, the motivation to combine the teachings of the Sartain reference with the Dunn reference is stated to be the benefit of utilizing the Internet for making requests. The advantage of using the Internet is the broad technical compatibility and overall flexibility of Internet communications, which is common knowledge generally available to one of ordinary skill in the art.

On page 21 of applicant's remarks, applicant alleges that Lawler does not teach a transmitting control command for causing a recorder to record a requested program.

The information transmitted to the receiving station, as taught by Lawler, to initiate the recording of the program (col. 13, lines 8-25) is considered to be a control command. It is the reception of this information that is directly responsible for activating the recording of a specified program, and is sent specifically for that purpose.

Also on page 21, in the second paragraph, of applicant's remarks, applicant alleges that Yurt does not teach cryptanalytic information for decrypting the program or accounting information for the program.

However, accounting information for a program is a broad term that applies to any financial aspect regarding the program, and listing the price of the program qualifies as accounting information of the program. It is acknowledged that Yurt teaches including the price of a program as supplemental information.

13. Changes made in this office action with regards to the prior office action mailed December 1, 2004 are as follows:

Cited portions of the Sartain reference have been expanded to encompass the new issue raised regarding the amended limitation of addressing the request e-mail message to the distribution controller of the transmitter in claims 1, 11, 21, 31, and 37.

Claims 3, 13, 23, 32, and 38 now comply with 35 USC 112, first paragraph, and have been addressed in view of the prior art.

Claims 36 and 41 have been addressed as depending on claims 34 and 39 respectively. Claim 36 previously suffered from lack of antecedent basis, which was rectified by the amendment. However, claim 41 also suffers the same deficiency, but has been merely objected to in light of the current amendment.

***Conclusion***

14. The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

### **Certificate of Mailing**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

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on \_\_\_\_\_  
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Typed or printed name of person signing this certificate:

---

Signature: \_\_\_\_\_

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I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. (703) \_\_\_\_\_ - \_\_\_\_\_ on \_\_\_\_\_.  
(Date)

Typed or printed name of person signing this certificate:

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Signature: \_\_\_\_\_

Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dominic D Saltarelli whose telephone number is (571) 272-7302. The examiner can normally be reached on M-F 10-7.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on (571) 272-7294. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dominic Saltarelli  
Patent Examiner  
Art Unit 2611

DS



HAI TRAN  
PRIMARY EXAMINER